

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3039
v.)	
)	
THOMAS E. MILLER,)	
)	MEMORANDUM AND ORDER
Defendant.)	
_____)	

At the defendant's arraignment scheduled for April 25, 2005, defendant appeared without counsel, even though the court had informed him at his initial appearance on April 20 that he must hire his own attorney, as the court would not be appointing counsel for him. Defendant professed not to have time to search for an attorney. Because of the need to move the matter along, I determined to go forward with the arraignment, and defendant was arraigned. He declined to enter a plea, and the court entered a "Not Guilty" plea for him. The case was set for trial.

In addition, I advised defendant to hire an attorney within two weeks and have that attorney file an appearance in this case, in the absence of which the court would embark on the process of determining whether defendant should be permitted to represent himself, with or without standby counsel.

Because of the ambiguity regarding defendant's representation, the government requested an extended time period in which to produce Rule 16 discovery. That motion was granted.

IT THEREFORE HEREBY IS ORDERED,

1. Defendant shall on or before May 9, 2005 obtain the services of an attorney to represent him in this case and have that attorney file an appearance in this case.

2. If no attorney has filed an appearance by said date, the defendant shall appear at a hearing to determine if the defendant should be permitted to represent himself, with or without standby counsel. Such a hearing, if necessary, is set to commence at 10:00 a.m. on May 11, 2005, before the undersigned in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

3. The government is relieved of the necessity of serving Rule 16 discovery--as provided in NECrimR 16.1--until May 23, 2005 or until an attorney for defendant enters his or her appearance in this case, whichever is sooner.

DATED this 27th day of April, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge